REMARKS

I.   Introduction

In response to the Office Action dated March 8, 2006, no claims have been cancelled, amended or added. Claims 1-24 remain in the application. Re-examination and re-consideration of the application is requested.

II.   Prior Art Rejections

In paragraph (2) of the Office Action, claims 1-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,493,325 (Hjalmtysson) in view of U.S. Patent No. 6,181,734 (Palermo).

Applicants' attorney respectfully traverses this rejection.

Palermo does not teach loading a vocoder into a called party's handset based on a particular type of network communicating with a calling party's handset

Palermo merely states that a vocoder is loaded into a handset based on the type of network (i.e., waveform) communicating with that handset. Palermo does not teach or suggest loading one of a plurality of vocoders into a called party's handset based on a particular type of network being used by a calling party's handset.

Hjalmtysson does not teach transmitting a notification to a called party's network that a calling party's handset is calling from a particular type of network, and then loading a vocoder into the called party's handset based on a transmitted notification

In one instance, Hjalmtysson merely states that Internet telephones may operate using different telephone application software, that is, each may employ different coding and decoding techniques which in fact could be proprietary techniques. See, col. 3, lines 33-65. Hjalmtysson provides a method for overcoming this problem whereby one of the Internet phones can notify the other Internet phone at the beginning of the call and identify the coding/decoding technique that the Internet phone wishes to use in connection with the call. However, in this instance, both Internet telephones are on the same type of network, namely the Internet, and the coding/decoding software is not loaded into the called party's handset based on the type of network communicating with the calling party's handset.

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In another instance, where one caller uses a standard telephone and the other caller uses an Internet telephone, Hjalmtysson merely states that that a gateway within the network can bridge the call by loading the appropriate software and performing the desired translation. See, col. 5, line 63 – col. 6, line 31. However, in this instance, the gateway, not the called party's phone, loads the coding/decoding software in order to translate the call.

Thus, Hjalmtysson does not teach or suggest transmitting a notification to a called party's network that a calling party's handset is calling from a particular type of network, and then loading one of a plurality of software-defined vocoders into the called party's handset based on the transmitted notification.

Even when combined, Palermo and Hjalmtysson do not teach or suggest Applicants' invention

Applicants' attorney also submits that, even when combined, Palermo and Hjalmtysson do not teach or suggest all the limitations of Applicants' claimed invention. Instead, the combination of Palermo and Hjalmtysson teaches:

(1) loading a vocoder into the called party's handset based on the type of network being used by the called party's handset, not the type of network being used by the calling party's handset (Palermo),

(2) loading a vocoder into a called party's handset based on the type of vocoder in the calling party's handset, not the type of network being used by the calling party's handset (Hjalmtysson), and

(3) loading a vocoder into a gateway in the network when one party uses an Internet phone and the other party uses a standard phone, so that the gateway can translate the call, not the called party's phone (Hjalmtysson).

Applicants' invention, on the other hand, loads one of a plurality of vocoders into a called party's handset based on a notification transmitted to the called party's network that a calling party's handset is calling from a particular type of network.

Thus, Applicants' attorney submits that independent claims 1, 5, 9, 13, 17, and 21 are allowable over Hjalmtysson and Palermo. Further, dependent claims 2-4, 6-8, 10-12, 14-16, 18-20, and 22-24 are submitted to be allowable over Hjalmtysson and Palermo in the same manner, because they are dependent on independent claims 1, 5, 9, 13, 17, and 21, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-4, 6-8, 10-12, 14-16, 18-20, and 22-24 recite additional novel elements not shown by Hjalmtysson and Palermo.

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III.   Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.
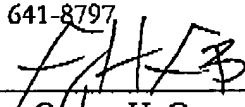
Respectfully submitted,

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